



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,090	05/14/2001	Reiner Kraft	ARC920000146US1	8622

23334 7590 09/09/2003

FLEIT, KAIN, GIBBONS,
GUTMAN & BONGINI, P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 09/09/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,090

Applicant(s)

KRAFT ET AL.

Examiner

Greta L. Robinson

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Claims 1-27 are pending in the present application.

Drawings

2. The drawings were received on July 16, 2001. These drawings are approved.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one visual representation" and "pre-collected database repository" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2177

Regarding claims 1 and 20, the following limitation is vague and unclear:

“dropping the at least one visual representation of the search object onto at least one visual representation corresponding to a domain object; and in response to the dropping step, providing a query” [see claim 1]. The limitation visual representation does not appear to be depicted in the drawings or disclosure. Applicant appears to refer to a search object and a domain object in figure 4, and at page 5 lines 11-14; but there does not appear to be a description of visual representation. Also, the connection between the term “selecting” and “dropping” is not clear; generally there is a “drag and drop” operation performed with the use of a mouse (operator interface) when selecting an icon. Claims 2-8 and 21 are rejected based on dependency.

Regarding claims 8 and 25, the following term is vague and unclear: **“pre-collected database repository”** [see claim 8; and claim 25]. It is unclear as to what Applicant means by the term “pre-collected database repository”; this term does not appear to be used in the disclosure or the drawings.

Regarding claims 9 and 22, the following claim language is vague: “at least one visual representation of a search object being dropped onto at least one selected visual representation of a domain object to provide a query” [see claim 9]. Claim 22 contains similar limitation is rejected under the same rationale. Claims 10-19 and 23-27 are rejected based on dependency.

6. Claims 9-19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such

Art Unit: 2177

omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the connection between the query formulator and providing a query to the system (see claim 9 lines 5-10). Also the connection between the query request in response to "the provided query" (line 10) is not clear. Claims 10-19 are rejected based on dependency.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8 and 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman et al. US Patent 5,909,678.

Regarding claim 1, **Bergman et al.** teaches a method of providing a query [note: "graphical user interface for constructing queries" col. 2 lines 41-50], the method comprising the steps of;

selecting at least one visual representation of a search object [note: col. 2 lines 51-64];

Art Unit: 2177

dropping the at least one visual representation of the search object onto at least one visual representation corresponding to a domain object [see: col. 2 lines 51-64]; and

in response to the dropping step, providing a query [note: col. 3 lines 6-56; abstract; col. 10 lines 55-65].

Bergman et al. teaches a computer system, method and program product for constructing queries by selecting iconic representations of subcomponent statements and dragging and dropping the icon onto a template.

9. Regarding claims 2-8:

(Claims 2-5) "in response to the provided query, searching at least one collection of information ... the result set object indicates whether at least one match was found as a result of the search" note col. 12 line 55 through col. 14 line 10.

(Claims 6-8) "further comprising the steps of formulating a text search query ... sending the text search query to at least one search engine" note figure 6; col. 13 lines 7-8.

10. The limitations of claims 20-21 have been addressed above in claims 1-2; therefore they are rejected under the same rationale.

Art Unit: 2177

11. The limitations of claims 22-27, have been addressed above except for the following: "a graphical user interface" and "a visual search query application" [see: abstract; col. 15 lines 11-56; col. 5 lines 57-58; and col. 4 lines 10-33].

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al. US Patent 5,909,678.

Regarding claim 9, Bergman et al. teaches a system comprising:

Art Unit: 2177

a graphical user interface [col. 5 lines 57-58 "the graphical user interface of this invention enables the construction of content based queries"];

a graphical user interface manager communicatively coupled to the graphical user interface [figure 9; col. 5 lines 15-27, also note col. 12 lines 21-25];

a query formulator, communicatively coupled to the graphical user interface manager .. to provide a query" [note: figure 9, col. 5 lines 15-27; col. 12 lines 21-25];

a query initiator ... a lookup system ... a result set manager [col. 6 lines 13-47; col. 8 lines 29-44]. Although Bergman et al. teaches the invention as cited above; they do not explicitly show a query initiator. Bergman et al. does permit integration of a variety of graphical user interface techniques in a single query interface to produce the search result [see col. 8 lines 14-17]. It would have been obvious to one of ordinary skill at the time of the invention to have used a query initiator in Bergman et al in order to build up the query and subcomponents of the query as taught in Bergman et al..

15. Regarding claims 10-19:

wherein the graphical user interface manager structured to receive at least one user initiated command ... lookup system ... event stacker ... structured to correlate an at least one search result ... [note: col. 6 lines 40-64; col. 8 lines 34-48].

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2177

Jain et al. US Patent 5,911,139

Krehel US Patent 6,208,985 B1

Garg et al. US Patent 6,567,846 B1

Goiffon et al. US Patent 6,453,312 B1

Baclawski US Patent 6,505,191 B1

Ma et al. US Patent 6,347,313 B1

Baclawski US Patent 6,463,433 B1

Goiffon et al. US Patent 6,453,312 B1

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Greta Robinson
Primary Examiner
August 30, 2003



GRETA ROBINSON
PRIMARY EXAMINER